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SERIAL NUMBER OR INVENTOR'S NAME

ATTORNEY DOCKET NO.

07/636,246 12/31/90 NILSSEN

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EXAMINER

MIS, D

APT. UNIT PAPER NUMBER

252

DATE MAILED: 03/27/91

This is a joint action form used throughout the U.S. Patent and Trademark Office.  
COMMISSIONER OF PATENTS AND TRADEMARKS

This application has been examined  Responsive to communication filed on \_\_\_\_\_  This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), 0 days from the date of this letter.  
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

**Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:**

1.  Notice of References Cited by Examiner, PTO-892.
2.  Notice re Patent Drawing, PTO-948.
3.  Notice of Art Cited by Applicant, PTO-1449.
4.  Notice of Informal Patent Application, Form PTO-152
5.  Information on How to Effect Drawing Changes, PTO-1474.
6.  L.O.S.D.

**Part II SUMMARY OF ACTION**

1.  Claims 1-12 are pending in the application.

Of the above, claims \_\_\_\_\_ are withdrawn from consideration.

2.  Claims \_\_\_\_\_ have been cancelled.

3.  Claims \_\_\_\_\_ are allowed.

4.  Claims 1-12 are rejected.

5.  Claims \_\_\_\_\_ are objected to.

6.  Claims \_\_\_\_\_ are subject to restriction or election requirement.

7.  This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

8.  Formal drawings are required in response to this Office action.

9.  The corrected or substitute drawings have been received on \_\_\_\_\_. Under 37 C.F.R. 1.84 these drawings are  acceptable;  not acceptable (see explanation or Notice re Patent Drawing, PTO-948).

10.  The proposed additional or substitute sheet(s) of drawings, filed on \_\_\_\_\_, has (have) been  approved by the examiner;  disapproved by the examiner (see explanation).

11.  The proposed drawing correction, filed \_\_\_\_\_, has been  approved;  disapproved (see explanation).

12.  Acknowledgement is made of the claim for priority under U.S.C. 119. The certified copy has  been received  not been received  been filed in parent application, serial no. \_\_\_\_\_; filed on \_\_\_\_\_.

13.  Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14.  Other

**EXAMINER'S ACTION**

The drawings are objected to because Figs. 2 and 4 have "39" labeling different elements. A print showing the proposed drawing corrections in red ink is required with the next response. Correction is required.

The disclosure is objected to because of the following informalities:

- a. On page 5, lines 17-23, regarding Fig. 4, "39" labels an element that is different than the element "39" labeled in Fig. 2.
- b. On page 7, line 37, "equel" should be --equal--.
- c. On page 9, line 41, "impdiance" should be --impedance--.

Appropriate correction is required.

Claims 1-12 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are indefinite for the following reasons:

- a. Claim 1, line 15, "substantively" should be --substantially-- or deleted since the lack of an amount of duration being claimed is not substantive.
- b. Claim 11, line 21, "transistor, but only" should be --transistor only-- since it is clear that "only" provides for the exception and "but" therefore causes a redundant meaning.

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c. Claim 12, line 18, --a-- should be inserted before "part" since "part" has no antecedence.

d. Claims 2, 3 and 7, there is no antecedence in the specification for "one tenth" shorter duration period, or for any particular times such as 2, 8 or 32 microseconds.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4-6 and 8-12 are rejected under 35 U.S.C. § 102(b) as being clearly anticipated by Walker.

The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

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Claims 2, 3 and 7 are rejected under 35 U.S.C. § 103 as being unpatentable over Walker.

The reference discloses means as claimed in claims 1, 4-6 and 8-12. It would have been obvious to one of ordinary skill in the art to incorporate particular loads in the reference circuit so that particular values for frequency, and voltage are required to be supplied, and thus a particular set of values of the essentially square wave reference circuit output waveform as claimed are provided.

The references by Walden and Arlt et al are made of record as having similarities with the present invention.

Any inquiry concerning this communication should be directed to Examiner Mis at telephone number (703) 308-0613.



DAVID MIS  
EXAMINER  
GROUP ART UNIT 252

Mis/FW  
March 26, 1991